

FILED
IN CLERKS OFFICE
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
2015 APR 24 AM 11 36

FILED UNDER SEAL
DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 13-10200-GAO
)	
DZHOKHAR TSARNAEV)	

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION TO COMPEL
PAROLE OF DEFENSE WITNESS ELMIRZA KHOZHUGOV**

Defendant, Dzhokhar Tsarnaev, by and through counsel, respectfully submits this supplemental memorandum in support of his motion to compel parole of Elmirza Khozhugov. [DE ____ (filed under seal on April 22, 2015)].

1. The defense was advised that, parallel with the defense request for parole into the United States, Mr. Khozhugov independently applied for an ordinary U.S. visitor's visa at the U.S. Consulate in Almaty, Kazakhstan. The defense was further advised that after a personal interview with consular (State Department) personnel, a visa was issued to Mr. Khozhugov on the morning of April 22. By afternoon, however, the defense was advised that Mr. Khozhugov was informed that the visa had been cancelled after the State Department learned of the decision by Homeland Security/FBI to deny the separate defense parole request for Mr. Khozhugov. The defense is therefore apparently confronted with the ironic situation that, had it not sought parole for Mr. Khozhugov, he likely would have been able to enter the U.S. as an ordinary visitor, free of the extremely restrictive conditions that are being placed on defense witness parolees.

2. Under cover of a letter dated April 22, 2015, the government provided the defense with an 11-page FBI 302 documenting an interview with Mr. Khozhugov in August 2013 (copy attached as Exhibit A). The 302 is replete with exculpatory (mitigating) information that should have been produced long ago, and highlights the importance of Mr. Khozhugov as a defense witness.

3. For the additional reasons set forth herein, the Court should compel the parole of Mr. Khozhugov or, alternatively, order restoration of the U.S. visitor's visa that apparently was issued to Mr. Khozhugov and then rescinded.

Respectfully submitted,

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by his attorneys



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I hereby certify that I have caused a copy of this document to be served upon counsel for the United States by e-mail PDF on this 24th day of April, 2015.

